

Notice of Allowability	Application No.	Applicant(s)	
	10/038,214	PATEL ET AL.	
	Examiner	Art Unit	
	Callie E. Shosho	1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 5/10/04 and telephonic interview conducted 6/4/04.
2. ☒ The allowed claim(s) is/are 8 and 9.
3. ☒ The drawings filed on 03 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>6/4/04</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>4/9/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Callie E. Shosho
Primary Examiner
Art Unit: 1714

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

1-7. (Canceled)

8. (Original) A solvent-based phenoxy-epoxy ink comprising one or more pigments, a blend of solid phenoxy-epoxy resins dissolved in methyl ethyl ketone/toluene combinations combined with a highly monomeric methyl-butyl coetherified melamine formaldehyde resin, and an amine neutralized acid phosphate catalyst in methanol/butanol or an amine neutralized p-toluene sulfonic acid catalyst in methanol for use as a latent heat curable dried coating (ink) that, upon drying and subsequent exposure to temperatures of 375⁰ to 400⁰ F for less than one minute during the heat transfer process will develop outstanding adhesion, heat resistance, solvent resistance, caustic resistance, and abrasion resistance.

9. (Currently Amended) A solvent-based polyester ink ~~comprising~~ consisting of one or more pigments, blends of polyester resins ranging in glass transition temperatures from 10⁰ C to 105⁰ C dissolved in n-propyl acetate/methyl ethyl ketone combinations for use as a labeling

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material that upon drying and subsequent exposure to temperatures of 375⁰ to 400⁰ F for less than one minute during the heat transfer process will develop outstanding adhesion to a surface; ~~the blends of polyester resins being void of any cross-linking agent.~~

10-16. (Canceled)

2. Authorization for this examiner's amendment was given in a telephone interview with Mark Montague on 6/4/04.

Statement of Reasons for Allowance

3. In the office action mailed 2/9/04, claim 8 was indicated as allowed while claim 9 was rejected under 35 USC 112, 1st paragraph.

The examiner's amendment (see paragraph 1 above and attached Interview Summary) overcomes the 35 USC 112, 1st paragraph rejection of record.

Thus, present claim 9 is allowable over the "closest" prior art Geurtsen et al. (U.S. 6,537,651) and Benitez (U.S. 4,321,185) for the following reasons:

Geurtsen et al. disclose solvent-based ink composition for labeling material wherein the ink comprises polyester, pigment, n-propyl acetate, and methyl ethyl ketone.

However, claim 9 has been amended to recite "consisting of" transitional language, i.e. "solvent-based ink consisting of...". The use of "consisting of" excludes from the claim any ingredients other than those recited in the claim, namely, one or more pigments and blends of polyester resins ranging in glass transition temperatures from 10⁰ C to 105⁰ C dissolved in n-propyl acetate/methyl ethyl ketone combinations.

However, in addition to pigment and polyester dissolved in n-propyl acetate/methyl ethyl ketone, Geurtsen et al. also disclose the use of crosslinking agent as a required ingredient of the ink.

Given that Geurtsen et al. require the use of crosslinking agent that is outside the scope of the ingredients disclosed in present claim 9, Geurtsen et al. is no longer applicable against present claim 9.

Benitez discloses ink comprising blend of polyesters wherein one polyester has glass transition temperature greater than 0° C and one polyester has glass transition temperature less than 0° C. This is in direct contrast to the present claim 9 that requires blend of polyesters ranging in glass transition temperatures from 10° C to 105° C. Further, the use of polyester having glass transition temperature less than 0° C falls outside the scope of present claim 9 that now recites “consisting of” transitional language as described above. Further, there is no disclosure or suggestion in Benitez that the polyester is dissolved in combination of n-propyl acetate/methyl ethyl ketone as required in present claim 9.

Thus, it is clear that Geurtsen et al. or Benitez, either alone or in combination, do not disclose or suggest the invention of present claim 9.

4. Applicants' IDS filed 4/9/04 has been considered. The present claims are allowable over the “closest” prior art cited in the IDS for the following reasons:

Downs et al. (U.S. 5,919,834) disclose ink comprising thermoplastic resin such as epoxy resin or phenoxy resin dissolved in solvent or monomer. However, there is no disclosure of blend of phenoxy-epoxy resins dissolved in methyl ethyl ketone/toluene combinations, highly monomeric methyl-butyl coetherified melamine-formaldehyde resin, or amine neutralized acid phosphate catalyst in methanol/butanol or amine neutralized p-toluene sulfonic acid catalyst in methanol as required in present claim 8. Additionally, there is no disclosure or suggestion in Downs et al. of blend of polyesters dissolved in n-propyl acetate/methyl ethyl ketone as required in present claim 9.

Brownscombe (U.S. 4,358,578) discloses process of increasing molecular weight of epoxy resin by reacting epoxy with phenoxy in the presence of solvent such as methyl ethyl ketone or toluene. While Brownscombe discloses use of melamine curing agent, there is no disclosure of highly monomeric methyl-butyl coetherified melamine-formaldehyde resin as required in present claim 8. Further, there is no disclosure of amine neutralized phosphate catalyst in methanol/butanol or amine neutralized p-toluene sulfonic acid catalyst in methanol as required in present claim 8. Additionally, there is no disclosure or suggestion in Brownscombe of blend of polyesters dissolved in n-propyl acetate/methyl ethyl ketone as required in present claim 9. Further, there is no disclosure or suggestion in Brownscombe of ink as required in all the present claims.

In light of the above, present claims 8-9 are passed to issue.

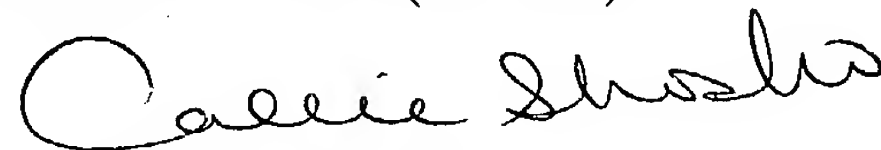
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 571-272-1123. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Callie E. Shosho
Primary Examiner
Art Unit 1714

CS
6/4/04